



*"Solutions rather
than obstacles."*

AN EVALUATION OF THE

HEARING OFFICER PROGRAM

IN THE DOMESTIC RELATIONS DIVISION
OF THE COOK COUNTY CIRCUIT COURT

CHICAGO
APPLESEED
CENTER FOR FAIR COURTS

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Chicago Appleseed Center for Fair Courts is a volunteer-led, collaborative 501(c)(3) non-profit organization advocating for fair, accessible, and anti-racist courts in Chicago, Cook County, and across the state of Illinois.

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Introduction

Every year, the Domestic Relations (“DR”) Division of the Circuit Court of Cook County processes approximately 40,000 divorce and child support cases.[1] Because DR cases are handled in civil court, neither individual party – the petitioner nor respondent – have any right to free or accessible legal representation. Legal Services Corporation reported in 2017 that for 86% of civil legal issues reported by low-income Americans, those litigants receive inadequate or no legal help.[2] According to the Illinois Supreme Court, about 75% of civil legal cases involve at least one self-represented party; at least 91% of the 102 counties in Illinois reported that more than 50% of civil cases in that jurisdiction in 2015 involved a self-represented litigant on at least one side.[3]

Cook County judges interviewed by Chicago Appleseed Center for Fair Courts in 2021 reported similar findings anecdotally: at least 50% and as many as 85% of the litigants who appear before these judges are self-represented. To address the inequities facing self-represented litigants, Cook County introduced the Hearing Officer Program in 2017. The Hearing Officer Program is a county-funded program, utilizing administrative law judges in domestic relations cases and offering support for individuals who could not afford or secure representation for any number of reasons. Cook County lacks pro bono representation options for civil domestic relations matters so individuals who cannot pay for representation lack viable alternatives. Judges and Hearing Officers universally report that the cases sent to the

Hearing Officer Program involve “predominantly Black” litigants.

The disparity in representation manifests as a disparity in access to the courts entirely: self-represented litigants likely spend longer navigating the courts and have a more difficult time reaching agreements/resolutions.

From February to June 2021, Chicago Appleseed Center for Fair Courts undertook a systemic evaluation of the Hearing Officer Program of the Domestic Relations Division in Cook County. The purpose of this review, “*Solutions Rather Than Obstacles*,” is to evaluate the efficacy of the Hearing Officer Program in year four of its operation, understand where disparities in representation and access may still exist, and offer potential avenues for improvement in the future.

We analyze the functioning of six Hearing Officers across the Cook County’s Daley Center, Markham, and Maywood Courts, asking how the Hearing Officer Program improves access to justice in domestic relations courts—particularly for self-represented litigants. Utilizing data from the Domestic Relations Division, interviews with judges, Hearing Officers, and attorneys, and litigant surveys, this study evaluates how effectively the Hearing Officer Program meets the goal of making the domestic relations courts more equitable—particularly for self-represented litigants.

- 1 *Illinois Courts 2019 Statistical Summary (2020)*, 44. Accessible at <https://www.illinoiscourts.gov/reports/annual-report-illinois-courts/>.
- 2 “Low-income” in the report is a family income of below 125% of the Federal Poverty Level, which was \$30,750 per year or less for a family of four in 2017 and is \$33,125 in 2021. The LSC does not offer data broken down by race, instead focusing on seniors, veterans, persons with disabilities and rural residents.
- 3 *Illinois Supreme Court Commission on Access to Justice: Advancing Access to Justice in Illinois (2017-2020)*.

Our findings suggest that in providing more individualized time for litigants and offering robust personalized case support, the Hearing Officer Program helps make our courts fairer and more accessible.

The data additionally supports the claim that Hearing Officers are increasingly utilized by

the courts as the number of cases Hearing Officers have heard have substantially and significantly increased. The Hearing Officer Program appears to increasingly work as a support mechanism for both self-represented litigants and the Cook County Courts: providing a real guardrail for people so that the ability to organize their lives and families is not contingent on their ability to pay for representation.

AT A GLANCE: FIVE YEARS OF THE HEARING OFFICER PROGRAM

After five years of resolving disputes of child support, parenting time and arrangements, and/or marriage dissolution, this is what the Hearing Officer Program of the Domestic Relations Division in Cook County, Illinois, looks like as of January 2021.



93.8%

93.8%* of litigants reported agreeing with the statement, "Whether we agreed or disagreed, my Hearing Officers was always fair and impartial."

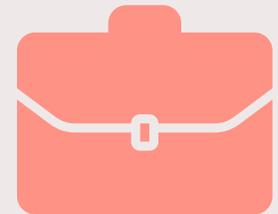
*6.3% neither agreed nor disagreed.

AVERAGE MONTHLY CASE REFERRALS



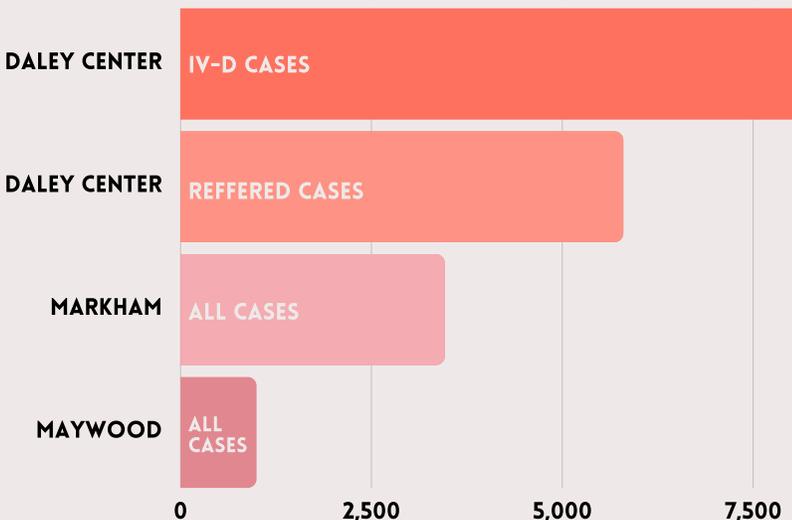
83

Pre-Pandemic



316

Pandemic



18K+

Since 2017, more than 18,300 cases have been referred to Hearing Officers with the effect of increasing access to justice for self-represented litigants.

Background

Cook County's Hearing Officer Program emerged as part of the consolidation of the Parentage Division within the Domestic Relations Division into a unified docket. Before the mid-1990s, the Cook County Circuit Court handled child support matters in two separate courts, defined by the marital status of the parents. The status designation depended on whether parents were married when the child was born; unmarried parents would receive a substantially lower level of assistance and respect in the branch courts than would married parents.

In 1993, legal aid advocates filed a class action on behalf of the children of unmarried parents in need of court intervention, alleging constitutional violations in the disparate treatment of families in the municipal division.^[4] Following submission of a court plan outlining a plan to hire more judges and staff and provide courtrooms for the Parentage Division at the Daley Center, the lawsuit was voluntarily dismissed. The County was again sued in 1996 in the federal courts and eventually settled—agreeing to, among other things, move previously physically-separated parentage functions to the Daley Center. The Court still, however, maintained the separate divisions based on marital status.

Chicago Appleseed and the Chicago Council of Lawyers evaluated^[5] the lawsuit, the changes resulting from it, how the bifurcated domestic relations courts were functioning, and explored the extent to which continued changes or improvements would be necessary.

In evaluating the then still-bifurcated system, Chicago Appleseed and the Chicago Council of Lawyers concluded that the system was still two-tiered and discriminatory.^[6] The changes that had been made were insufficient and the county was still likely violating people's due process and equal protection rights. Ultimately, these two processes were consolidated into one.

One of the things central to the continued disparate treatment was the lack of funding sources for expanded staff within the Parentage Division. Administrative Hearing Officers in the Parentage court were funded under Title IV-D of the Social Security Act.^[7] Under IV-D, states are permitted to access funds for child support collection and enforcement that includes administrative Hearing Officers. IV-D Hearing Officers are empowered to do a very limited set of tasks: establish paternity, finding missing parents, set child support only orders, ensure children receive health insurance, and enforce a child support order. Under federal law, Hearing Officers were unable to evaluate any other matters, including, for example, allocation of parenting time.

Because of the complex intersection of federal funding for child support enforcement efforts in the states, IV-D cases heard in Cook County included State's Attorneys acting on behalf of the State's interest in the portion of child support which may be assigned to the state as reimbursement for Temporary Assistance to Needy Families (TANF) benefits paid to families receiving child support.

⁴ Prior to 1993, cases involving divorce and most other family law matters were heard in the Domestic Relations Division of the county department, whereas family law matters arising under the Illinois Parentage Act of 1984 were heard in the municipal department. In practice, this meant that cases involving children born to married parents were heard in the Domestic Relations Division of the county department and in the Daley Center, where cases involving nonmarital children were heard in the municipal department.

⁵ Chicago Appleseed Center for Fair Courts and the Chicago Council of Lawyers received pro bono assistance from Skadden Arps Slate Meagher & Flom, LLP, in order to complete the 1996 lawsuit evaluation.

⁶ Chicago Appleseed Center for Fair Courts and the Chicago Council of Lawyers received pro bono assistance from Latham & Watkins to prepare our report on Cook County's separate but unequal system.

⁷ Cases that fall under the purview of IV-D remain a major source of those that appear before the Hearing Officers today.

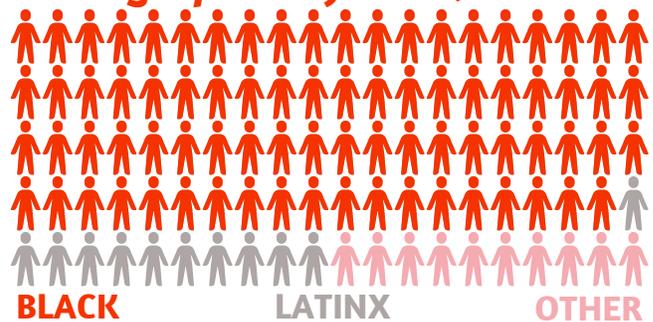
A deliberate part of the consolidation process was removing Hearing Officers from the IV-D funding system and its requisite restrictions. Once this happened, Chicago Applesseed continued working with the staff in the Cook County Domestic Relations Division to create the expanded Hearing Officer Program to be used at the Daley Center. The Hearing Officer Program is now funded through the county and, consequently, its services have been expanded.

Issues with Hearing Officers were initially raised by Daley Center judges who did not have a full understanding of the qualifications of Hearing Officers or the purpose of the system, so the Presiding Judge of the Cook County Domestic Relations Division at the time of this report, Judge Grace Dickler, made a concerted effort to educate judges about the role, purpose, and utilization potential of Hearing Officers and expanded the program to the Cook County branch courts in the suburbs of Markham and Maywood. As a result, the Hearing Officer Program began as a pilot program in Markham and Maywood, District 6 and District 4 of the Cook County Circuit Court, serving suburban Cook County in 2016.

Markham and Maywood are two Chicago suburbs with majority-Black populations and large populations of lower-income families.

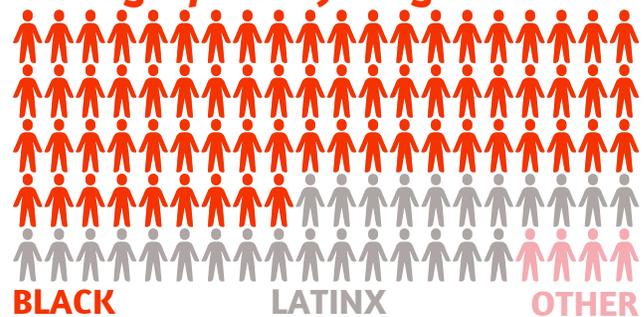
The most recent census^[8] estimates that 79.1% of Markham’s population (see Figure 1) is Black or African American, 9.9% are Latinx, and less than 10.4% are white, Asian, two or more races, or Indigenous North American, Hawaiian, or other Pacific Islander.

FIGURE 1.
Demographics of Markham



In Maywood (see Figure 2), 68.6% of residents are Black, 26.9% are Latinx, and less than 5% are white, Asian, or Native.

FIGURE 2.
Demographics of Maywood



While the Hearing Officers remain in Markham and Maywood, they have also been incrementally brought to the Daley Center, District 1, which serves the City of Chicago and all of Cook County. In Markham and Maywood, the Hearing Officers initially worked closely with the judges and played a role in the development of the program in the branch courts; at the Daley Center, the Hearing Officers primarily remained in their IV-D role, handling State's Attorney cases, although they had the capacity and authority to handle the larger range of issues seen by Hearing Officers in the branch courts.

⁸ See e.g., <https://www.census.gov/quickfacts/markhamcityillinois> and <https://www.census.gov/quickfacts/maywoodvillageillinois>.

In 2018, Chicago Appleseed helped develop and implement the Early Resolution Program (ERP), which was intended to utilize the Hearing Officers at the Daley Center more fully and, initially, to offer robust pro bono partnership with attorneys, ideally with a legal aid program supporting. The pro bono portion of this program has not yet manifested, but the Hearing Officers began resolving more case—although Hearing Officers still were not getting as many referrals from judges as they were in the branch courts.

In 2021, the Hearing Officer Program remains at the Daley Center, in Markham, and in Maywood. Now, in all three courts, the Hearing Officers are assigned to work with specific judges. Hearing Officers predominantly resolve financial matters or specify details in a proposed judgment. This largely involves resolving child support matters (calculating support and drafting orders); however, Hearing Officers also assist in matters involving agreed parenting time and arrangements (custody, visitation) and marriage dissolution. The issues that Hearing Officers preside over are those that do not require significant additional findings of facts or rulings of law and help clarify more complex matters. Instead, they ease the process for those types of cases by explaining the procedure to litigants, giving them time to resolve simple logistical issues, and running calculations.

Hearing Officers function in a quasi-judicial capacity: they are impartial and follow the rules of evidence and discovery, hearing cases, taking testimony and evidence, and writing recommended orders for the judge presiding. They also provide a wide variety of additional support for litigants, including offering robust explanations of the legal process and how to navigate the logistics of the case at hand.

Cases appear before the Hearing Officers in three basic ways: through early triage via the Early Resolution Program,[9] through cases that involve the state (IV-D cases), or by direct referral from judges in non-state issues.

This recent change to the organization of the Hearing Officer workflow appears to have helped improve integration of the Hearing Officer Program beyond the ERP and state cases. Because the Early Resolution Program was paused between March 2020 and April 2021 (when interviews for this report had concluded), this report does not offer updates to that assessment of the program,[10] instead, this predominantly focuses on direct referral of cases from judges and IV-D cases.[11]

⁹ Cook County's Early Resolution Program (ERP) uses a screening process to make Hearing Officers litigants' first points of contact with the courts. Before litigants appear before a judge, the ERP screens people for eligibility and assigns them to Hearing Officers that can assess the case and potentially draft a judgment. The program is designed to begin with an initial triage meeting with a Hearing Officer to determine the appropriate pathway of the case, which is then followed by a meeting with the Hearing Officer to prepare proposed judgments or a meeting with pro bono attorneys. In 2019, Chicago Appleseed Center for Fair Courts reviewed the Early Resolution Program and concluded that Hearing Officers were being utilized in an effective manner in the ERP (although the pro bono component does not yet exist). Read Chicago Appleseed's 2019 report here: <http://www.chicagoappleseed.org/wp-content/uploads/2019/10/The-Early-Resolution-Program-Chicago-Appleseed-Preliminary-Report.pdf>

¹⁰ Participants did not spend much time discussing the ERP. The Hearing Officers mentioned it only as a way that they used to hear cases or as something that was starting back up again shortly.

¹¹ In evaluating the process, the qualitative data focuses more heavily on direct referrals from judges because judges make up a substantial portion of the population interviewed.



Methodology

This report aims to evaluate the Hearing Officer Program in its current jurisdictions: the Daley Center, Markham, and Maywood.

We pursue this research aim through the following questions:

- (1) What are the goals of the Hearing Officer Program?*
- (2) How effective is this program at meeting its established goals?*
- (3) What are the needs of people facing the Domestic Relations Division?*
- (4) Does the Hearing Officer Program improve the DR Division's ability to meet these needs?*

We pursue the above research questions through three different types of data: interviews with key stakeholders within the Hearing Officer Program, a survey of litigants who recently appeared before a Hearing Officer, and an analysis of data collected by the Domestic Relations Division's Presiding Judge's Office.

Stakeholder Interviews

Chicago Appleseed conducted seventeen qualitative interviews to assess the Hearing Officer Program. These interviews were with four categories of key program stakeholders: judges (5), Hearing Officers (5), private attorneys (5), and Chicago Appleseed Center for Fair Courts staff involved in the original development of the program (2).

These interviews were conducted in February and March of 2021 and ranged from 15 minutes to 3 hours long, depending on the depth of response from participants.

Participants were predominantly asked open-ended questions about their involvement with the Hearing Officer Program, their perspectives on how the program works, and what could be done to further improve the program. If participants did not initiate their own comparative analysis of the program before and during the COVID-19 pandemic, they were specifically asked about that.^[12]

Litigant Surveys

The findings in this evaluation include responses from one pilot survey of litigants, collected with the help of two Hearing Officers who connected litigants to the survey. Those Hearing Officers worked with Chicago Appleseed to finalize the survey and ensure that the questions accurately reflected the relationships, jobs, and ideal outcomes for hearings. The involvement of the Hearing Officers could have introduced a bias into our data set, as it is likely only participants who had positive experiences with the Hearing Officers would respond to the survey request.

A more comprehensive survey of litigants is necessary in the future to shed more light on the overall nature of experiences and outcomes. However, from this pilot survey, we are able to ascertain that there are positive outcomes. Furthermore, we could only communicate with research participants who were digitally literate and able to navigate online survey forms.

The questions included five Likert-Scale questions ranking litigant agreement with a statement from 1-5 (where 1 represents “strongly disagree” and 5 represents

“strongly agree”) and two open-answer questions (see Appendix B). The Likert-Scale modeling was utilized to measure respondent attitudes, allowing for neutrality and moderate opinions in addition to strong agreement and disagreement.

Those questions were: “the Hearing Officer helped me resolve my legal matter(s),” “the Hearing Officer helped me understand the legal or court process,” “whether we agreed or disagreed, my Hearing Officer listened to me,” “whether we agreed or disagreed, my Hearing Officer was always fair and impartial,” and “the Hearing Officer gave me time to fix a problem with my documents (optional - only answer if relevant).”

The short answer questions asked were “did the Hearing Officer help in some other way? How? (open-ended)” and “is there anything else you wish to share about your experience with the Hearing Officer? (open-ended).” These questions were both optional and were intended to capture feedback beyond the closed universe of the scaled questions.

We received eighteen unique responses through this process, including fourteen responses to each of the two open-ended questions. This data was managed through Google Forms which automatically generated statistics on responses.

Data Analysis

Chicago Appleseed received data from the Office of the Presiding Judge of the Domestic Relations Division that included a manual count of cases heard by Hearing Officers in Markham, Maywood, and the Daley Center (Chicago) between January 2017 and January 2021 (see Appendix A).

¹² Proceedings in the Domestic Relations Courts slowed down or paused when courts began shutting down for the pandemic in early March 2020 before moving to fully remote proceedings. Our data suggests that the Hearing Officer program was operating at or above pre-pandemic capacity by August 2020.

Findings

Presiding Judge of the Domestic Relations Division, Grace Dickler, told Chicago Appleseed that “the object [of the Domestic Relations Division] is to help people.”

Overwhelmingly, we heard that sentiment reflected back in interviews: the purpose of the Hearing Officer Program is to provide a service to the people of Cook County. As a group, the interviews with judges, Hearing Officers, and attorneys, as well as the survey responses from self-represented litigants who participated in the program, suggest that the program meets this overall goal. Hearing Officers address access to justice issues within the Cook County Circuit Court system and are beginning to be robustly utilized within the Daley Center, expanding their reach through Cook County. Additionally, the Hearing Officer Program is increasingly valued in Cook County. Judges in the Daley Center are utilizing Hearing Officers more and more and, across the board, judges are relying on Hearing Officers as an integral part of the court.

The Hearing Officer Program directly addresses two major issues that exist in the Domestic Relations Division in Cook County—particularly concerning self-represented litigants. The first problem is that some cases get stuck in the system, taking a long time (often, a disproportionately long time) to reach a resolution. Hearing Officers do function in their intended role of triaging these cases, resolving cases more quickly than would otherwise be possible. The second problem is that many litigants have a negative view of or relationship with the courts, which has often been compounded by the first problem. Hearing Officers are able to provide a more personalized experience so that all parties feel heard.

FINDING 1.

Hearing Officers move cases through the courts more quickly.

The key takeaway from interviews with judges and Hearing Officers is that Hearing Officers help facilitate faster case resolutions. In the interviews, this is often discussed in terms of continuances and future court dates. Although faster resolutions allow for better docket management for judges and the finalization of divorce or parenting arrangements, this also mitigates the overall burden for litigants of additional costs in the form of transportation, childcare, and time off work. This section will address each of those issues in turn.

This report fundamentally centers the experience of self-represented litigants. As stated above, the Illinois Supreme Court estimates that over 75% of civil legal cases in the state involve at least one party who does not have a lawyer (i.e., self-represented party).

In 2015, 91% of Illinois counties reported that more than half of the civil cases in that jurisdiction involved a self-represented litigant on one or more sides.[13] The Hearing Officer Program exists, in large part, to assist this population of litigants. The unique barriers faced by people without lawyers come up repeatedly in all the interviews conducted for this evaluation. Self-represented litigants are often facing a traumatic family experience while also lacking a depth of expertise on the court system—including matters involving what to do with various documents and how to navigate various steps in a rigid process.

¹³ Illinois Supreme Court Commission on Access to Justice, *supra* note 2.

Continuances, for example, serve a fairly routine procedural function to offer more time for the resolution of a legal matter, but are often viewed negatively by litigants. In the course of interviewing key stakeholders, it became clear that continuances rhetorically stand in for the overall idea of a case taking a long time from beginning to end. People's cases can "take a long time" in both the long- and short-term: first, the case could take up a lot of time on a day's docket and, second, there may be a long time between initial filings and final case resolution. The former can be a matter of minutes and the latter months, but it is a fundamental tension in the courtroom for all parties involved, as the former feeds into the latter.

One Hearing Officer (HO) summarized the tension in the following way:

These people are pro se and don't know how to present their case and the judge rarely has time to get to the point.

This, the HO elaborated, leads to judges issuing continuances. Judges describe this tension in terms of a personal lack of judicial patience:

I have a complete lack of patience for people who do not follow court orders. If I order you to show up with paperwork and exchange [it] with the other side and you come and you have not complied, [I don't have] a lot of patience for that.

Another judge noted that self-represented litigants would often express frustration when they could not get the procedure or the law "right," so there would be nothing for the judge to do but "do it for them" but they "don't have that type of time."

This is ultimately a question of the amount of time a judge feels personally able to spend with a litigant who, to them, appears unprepared.

This unpreparedness can look very simple to court professionals, practically. Interview and survey participants frequently mentioned delays due to simple procedural matters: an obligor parent failing to bring one or more of their W2s for a hearing regarding the calculation of child support was the most frequently mentioned problem, followed by the failure to obtain service from the Sheriff for a divorce. Although the court system is fundamentally opaque without the assistance of a trained legal professional – such as an advocate, lawyer, or Hearing Officer – the perception of unpreparedness can contribute to the tension between court stakeholders and litigants.

Although some problems, such as obtaining service for a divorce, might require specific direction from the Hearing Officer and a delay to complete the task, others might be much more quickly resolvable. For example, Hearing Officers discussed how the W2 problem is quickly and easily fixable the same day, sometimes salvageable by allowing litigants to take a few moments to pull the document up on their phones or by calling their Human Resources department at their job.

Overall, one Hearing Officer described this aspect of the job as follows:

Really helping people get their cases legally in order [when they] don't know what steps need to be done.

The Hearing Officer Program helps the Cook County Court provide in-the-moment support that is otherwise outside of the purview of ordinary judicial responsibilities or that judges feel they lack the time to give.

Judges experiencing time pressure in relation to their dockets haunts the Domestic Relations Division. Participating judges were explicit that their dockets are big – “this is a very heavy, complicated call” – and judicial descriptions of their caseloads were explicitly meant to underscore their relationship to time.

Across the board, judges saw that self-represented litigants needed additional support compared to those who were represented by lawyers, but that additional support cost time they did not have. On the issues of time, one judge said:

[Hearing Officers] really help the courts with expediting the cases because the number of self-represented litigants is only increasing but we can only hear so many cases at a time.

Another articulated the problem of time through the value of the Hearing Officers as follows:

Anything that frees time to deal with these [non-child support] issues, not to minimize money because it costs money to raise a kid, so I can deal with substantive issues that do indeed involve child protection is critical to the performance of the job.

This comment speaks not only to time management, but the difficulty in balancing the many fundamental issues at stake in Domestic Relations courtrooms. The drafting of child support orders seem to be types of cases that do not need the precise legal expertise of a judge, but benefit from someone with some background, because it takes a great deal of time and expertise to ensure appropriate calculations and consideration of all legally relevant factors.

It appears that judges triage their cases with Hearing Officers differently based on how that case may look without them. From the totality of interviews, it is clear that there is a particular subset of cases on the docket that are rerouted to Hearing Officers that would otherwise languish, largely via continuances. Cases that cannot be resolved or moved forward or properly heard at a hearing can be referred to Hearing Officers rather than issued a continuance to return later. The frequent estimate for continued court dates with the help of Hearing Officers to manage caseloads was a time 3-6 months in advance – judges and attorneys “can’t imagine” what those dates would look like without the Hearing Officer dealing with the financial issues.

The length of this process is a real issue beyond the management of judicial dockets. Cases that are delayed are, obviously, cases without resolutions. Here, a lack of resolution has a real material impact on people’s abilities to organize their lives and families: unresolved cases are cases without agreements concerning child support, parenting time, or even a finalized divorce. Furthermore, additional court dates are prohibitive for self-represented litigants.

One Hearing Officer, when asked about how to make the program better, discussed the pros and cons of remote hearings in a way that illustrates the costs of court for litigants, particularly those who are lower-income. The Hearing Officer noted:

[Remote proceedings have been good for litigants] because they don’t have to leave their house, get a babysitter, they can do it from work.

So, physical proceedings, particularly when they begin to stack up, represent a barrier to the courts because arranging travel is difficult or expensive (parking at the Daley Center, taking transportation with the Chicago Transit Authority (CTA), and calling a cab or using a rideshare app are all additional expenses incurred), arranging childcare is difficult or expensive, and getting time off work can be difficult, expensive (in that hourly workers are unlikely to have paid time off), or impossible.

The same Hearing Officer noted that the concerns during remote proceedings can be similar, but the challenge of travel is replaced with the problem of obtaining an internet-capable device and internet access. When discussing how proceedings had changed during the pandemic, a common concern or pitfall was that “people may not have a computer at home.” However, “they mostly seem to have cell phones if not computers” and Hearing Officers have found ways to make remote proceedings work. Hearing Officers were much more likely than judges to acknowledge that a lack of internet access or device in the abstract is certainly an issue, particularly during a period in which public spaces that might otherwise facilitate this connection were closed (such as the library).

Still, however, it seems as though the issue is a question of specific appointments or having a Zoom presence: Hearing Officers discussed ending proceedings because a litigant could not get a reliable connection at that time or because a litigant was on Zoom while driving. And, although the childcare question might be alleviated through not mandating a physical appearance, the presence of children during the videoconference is still potentially problematic.

According to one Hearing Officer:

The only rule is don't have [children] present.

Because of the realities of managing multiple people with a variety of constraints on their ability to appear before the court, adding more future appearances is a massive issue that ultimately compounds these challenges.

The potential for the Hearing Officers exists in their ability to provide, as one attorney put it, “solutions rather than obstacles.” This attorney mentioned what is special about the best Hearing Officers:

Some would show up and you're a pro se litigant without a W2.[14] Rather than suggest calling the HR department, they would schedule a new date in four months. That person is left taking another day off work.

HOs can function as “not just a help desk” by offering specific, personalized roadmaps for the process: explaining what the next step is, explaining what documents the litigants will need to bring and why, explaining the general ins and outs of the system so that the litigants specifically understand how their case is working.

FINDING 2.

Hearing Officers work better with litigants, providing dynamic & creative procedural justice improvements.

As a direct function of having greater capacity for working with litigants, Hearing Officers are able to provide dynamic and creative solutions.

¹⁴ The W2 is a necessary component in calculating child support as parent income is a factor in measuring awards. Therefore, not having a W2 can entirely halt the calculation process.

The participating Hearing Officers repeatedly emphasized their flexibility with judges and litigants, and repeatedly expressed how they are able to use that flexibility to dynamically serve the public and create personalized experiences for litigants. This stands in contrast to preexisting negative experiences with or perceptions of the court system. This section addresses all of that in turn.

Because Hearing Officers provide what is, in part, a support for judges, their flexibility in working with judges came up often in interviews. The organization of the relationship between Hearing Officers and judges is one thing that has changed during the pandemic, particularly for Hearing Officers assigned to the Daley Center. At the branch courts, Hearing Officers have been specifically assigned to their judges and have developed personalized and regular workflow arrangements. Since moving proceedings remotely, this is also true about Daley Center Hearing Officers who, instead of being in a centralized location acting on a first-come-first-serve basis for litigants sent there by various judges, are now specifically assigned to work with a particular set of judges. This has various implications, discussed in the next section, but here it specifically means that Hearing Officers have the opportunity to work with judges collaboratively to make their own calendar. One HO discussed this flexibility extensively, noting that they liked that part of the job:

I learn what they want, we work as a team together.

More importantly, Hearing Officers are able to work flexibly with litigants. As described above, this has implications for time management (i.e., moving cases through the courts more efficiently) but it also has implications for equity.

The judge who described their feelings of time constraints in terms of patience had more to say on that, implying that making quick decisions about cases is likely to disfavor the unprepared party or parties—a possibility that exacerbates inequities between those who can and those who cannot afford representation:

If you give people something to do and one party does it and the other doesn't, you know where your problem is.

That judge continued that the Hearing Officer they work with has extraordinary patience, which:

Leads to more equitable results.

Child support orders that are not viable for the obligor (the person who has to pay) can come with potentially catastrophic consequences for both that parent and their child(ren). The state can collect unpaid child support through income withholding, intercepting tax refunds, liens on real property, freezing bank accounts, suspending a state driver's license, denying a passport, and "ask[ing] the Court to take enforcement action" in the form of contempt.[15]

One judge discussed extensively their reticence to utilize the contempt power,[16] but noted:

This call has mandated that people get locked up.

¹⁵ See e.g., <https://www.illinois.gov/hfs/ChildSupport/parents/Pages/Apply.aspx>

¹⁶ Discussing contempt was a large part of their answer to the question of "how could the Hearing Officer Program be improved?" The answer was that the program should be expanded, and contempt was the reason why.

They predominantly discussed the use of the contempt power as a way of dealing with physical altercations in the physical space. Although family courts are not criminal courts, the possibility of incarceration is every bit as real for litigants in civil family matters. Contempt happens and, as judges say, it is utilized more than they would prefer for lack of a viable alternative.

Notwithstanding the use of contempt as a mechanism for maintaining order in a courtroom, the courts conceptualize contempt as a remedy for outstanding debts. Simply, failure to pay child support (or to have child support collected through the means described above) can result in incarceration of the obligor, although the child support system does not automatically or necessarily work with an obligor's real financial situation. This is a real issue in child support matters. Most incarcerated people lose their jobs, so an obligor in jail is likely not being paid, but debts (to both the obligee and the state) do not cease during that time.

Beyond incarceration, suspending drivers' licenses can reduce an obligor's ability to work or to provide non-official forms of support for the child or obligee (transportation, presence in the child's life, etc.). Inability to pay can conceivably snowball catastrophically. One of the essential ways in which Hearing Officers mitigate inequities for self-represented litigants is by spending additional time working with the specific details of the people's specific cases. As Hearing Officers note, working with these specific circumstances makes viable arrangements possible: when the process is more fully customized for all participants, the need for punitive enforcement mechanisms is theoretically reduced.

Both Hearing Officers and litigants describe a wide range of additional supports offered to litigant—everything from aiding with the completion of documents and explaining the process, to providing referrals to resources and offering moral support when appearing before the judge presiding over the case.

One surveyed litigant explained:

Hearing Officer helped me with completing the documents or papers that I needed to file in court and that were needed for the judge to proceed with the prove up of my divorce. He was very helpful, fair and easy to reach.[17]

Another litigant said:

The officer helped me with other information like telephone numbers to check on child support with another father.

Hearing Officers describe this referral process as a way that their role differs from both attorneys (giving legal advice) and judges: explaining how to file in the Clerk's Office, how to obtain service from the Sheriff's Office, and even troubleshooting sending emailed documents without reliable access to a computer.

Again, one Hearing Officer described this in terms of having more time than judges:

Judges' calls are more complicated and have more people, less time to explain.

¹⁷ On another occasion, a different respondent used the term "prove-up,"—the final hearing in a divorce to request approval for the property settlement and the parenting time allocation—independently suggesting that litigants were exhibiting familiarity with procedural language. Chicago Appleseed did not test for causality; this is an area where more analysis is possible.

One Hearing Officer described an experience being asked to provide moral support for a litigant when the case returned to the judge’s courtroom:

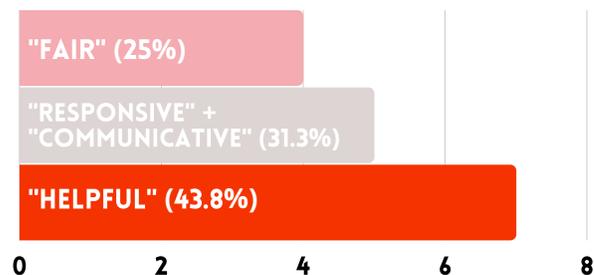
One guy asked me to come to the courtroom because he was afraid of the judge . . . his experience in the court had never been good.

The Hearing Officer sat in the back of the courtroom for that appearance. While this experience is extraordinary, it speaks to how Hearing Officers are able to develop relationships of trust with litigants and this is supported through the litigants’ own words as well (see Figure 3). Survey respondents indicate that, for the most part, the program “has been a good experience” and frequently describe the Hearing Officers as “helpful” (7 instances), “responsive” or “communicative” (5 instances),^[18] and “fair” (4 instances).

One Hearing Officer described the distinction between litigants’ reticence in front of a judge and the kind of personalized support and trust relationship the Hearing Officer can build as a racial and economic justice issue that is two-pronged: first, as an extra factor in the question of judicial patience and, second, for litigants operating within a system that has continually harmed them or members of their community. They explain:

No one I know has ever said “I’m happy I’m going to court” but especially for lower income and minorities, [who] never have a good day in court. . . they think, “why should we trust the system when everyone knows someone who has been hurt by it.” That is the main problem, make them feel more at ease by saying this experience is not that experience. The way you do that is by listening.

FIGURE 3.
Common Survey Participants Descriptors of Hearing Officers:



This is an especially salient issue, they say, in State IV-D cases because the opposing party in those cases is represented by a State’s Attorney and the respondent is “normally by himself.”

Appearing opposite a State’s Attorney is not a neutral occurrence for Black or Latinx litigants, whose communities experience disproportionate harms from prosecution and incarceration. In addition to times where the court may be unfair, the ways in which racism works within the criminal justice system can inform the domestic relations experience, making it feel inherently unfair or even frightening.

Likewise, according to this Hearing Officer, there may exist a barrier between people from some Black, Indigenous, immigrant, or other communities and the judges or the State’s Attorneys on the other side because of fundamental distinctions in ways of communicating:

In the beginning, there’s a cultural problem, [judges] don’t know what the low-income persons are actually saying . . . there’s a language problem of communicating compared to standard English.

¹⁸ “Responsive” and “communicative” have been coded together as they both speak to ease of communication with the Hearing Officer.

The communication gap from most people's lack of familiarity with legal language and processes is perpetuated further by systemic marginalization and the court fundamentally not understanding some litigants.

Studies show that court officials might not be able to reliably understand or transcribe nonstandard dialects of English.[19] Sometimes, the frustration brought by such communication issues results in microaggressions against the litigant. Microaggressions[20] are verbal and nonverbal behaviors that communicate negative or hostile messages to people because of their identity in a marginalized group, such as sex, ability, or race.[21] This Hearing Officer made the point:

It's easier if the people making decisions are from the same community as the people who they're making decisions for.

Clearly, some litigants have a higher barrier for obtaining the respect they are entitled to in traditional court environments—which is only exacerbated by a lack of legal representation.[22]

Although there are ways in which the Hearing Officer Program itself can contribute to racial and economic equity in the courts – through creating a more egalitarian physical or

digital space, through spending more time talking to litigants to really understand their issues, through making the process more navigable without paying for representation – it is worth noting for the future of the program and courts in general that white interview participants were less likely to discuss race dynamics in the courtroom or how their work impacts Black, Latinx, Indigenous, and other litigants of color.

Hearing Officers noted an essential characteristic about their job: listening to litigants. In developing the pilot litigant survey, the Hearing Officers who administered it suggested the inclusion of two Likert-Scaled questions: “whether we agreed or disagreed, my Hearing Officer listened to me” and “whether we agreed or disagreed, my Hearing Officer was always fair and impartial.”

To the Hearing Officers, these were important measures of job performance—and for good reason. Research has shown that when people believe the system is fair, they are more likely to comply with court orders regardless of if the case outcome is in their favor.[23] The perception of “procedural justice” is based on four key factors: individuals feel they (1) were treated with dignity and respect, (2) were given a voice, and (3) experienced a neutral, transparent decision-maker that (4) conveyed trustworthiness.[24] An added value to the court process of Hearing Officers is their ability to provide this additional attention.

¹⁹ See e.g., Jones, Taylor, Jessica Rose Kalbfeld, Ryan Hancock, and Robin Clark, “Testifying While Black: An Experimental Study of Court Reporter Accuracy in Transcription of African American English” 95 *Language* 2, 216-252 (June 2019) (finding that court reporters understand and transcribe witnesses speaking in Black dialects with substantially worse accuracy, causing problems for the court record); Rickford, John R. and Sharese King, “Language and Linguistics on Trial: Hearing Rachel Jeantel (And Other Vernacular Speakers) in the Courtroom and Beyond” 92 *Language* 4, 948-88 (December 2016) (noting how bias against Black dialects can discredit a witness in the courts).

²⁰ Microaggressions are generally recognized as falling into three categories: microassaults (these are more explicit, such as name-calling and avoidant); microinsults (these are rude or insensitive communications that demean heritage or identity); and microinvalidations (these communications exclude, negate, or nullify people’s thoughts or feelings). See e.g., https://higherlogicdownload.s3.amazonaws.com/NBOA/UploadedImages/c781eb1f-9fca-4408-b2f8-9bceec57f0af/NetAssets/2020/07/RC_microaggressions_JA20.pdf

²¹ See e.g., <https://www.americanbar.org/groups/litigation/committees/minority-trial-lawyer/practice/2015/micro-aggressions-boardroom-courtroom-presidential-campaign-trail/>

²² Two of the Hearing Officers are Black, Indigenous, or other persons of color and four are women.

²³ See e.g., <https://www.courtinnovation.org/areas-of-focus/procedural-justice>

²⁴ See e.g., “Procedural Justice” from *The Justice Collaboratory of Yale University Law School*: <https://law.yale.edu/justice-collaboratory/procedural-justice>

One Hearing Officer described the process of building trust with litigants, saying:

[I] let them talk on the issue and sometimes let them talk beyond the issue because nobody listens [to them].

Self-represented litigants do not often expect to have their voices heard in court and developing this trust relationship is essential to working effectively with the litigants and developing a true agreement.

The charts to the right summarize the responses to the questions about perceived procedural justice (see Figures 4 and 5). Over 94% of respondents strongly agreed that whether they agreed or disagreed, the Hearing Officer listened to them, while 5.6% of respondents neither agreed nor disagreed; 88.9% of respondents strongly agreed, 5.6% of respondents agreed, and 5.6% of respondents neither agreed nor disagreed that their Hearing Officer was “always fair or impartial.”

FINDING 3.

Hearing Officers are increasingly valued in Cook County.

The initial adoption of the Hearing Officer Program may have been slow, but in the four years since its implementation, the work going to Hearing Officers has grown tremendously. This growth appears to be the direct result of the Court’s sustained efforts to support the Hearing Officer

FIGURE 4.

“Whether we agreed or disagreed, my Hearing Officer listened to me.”

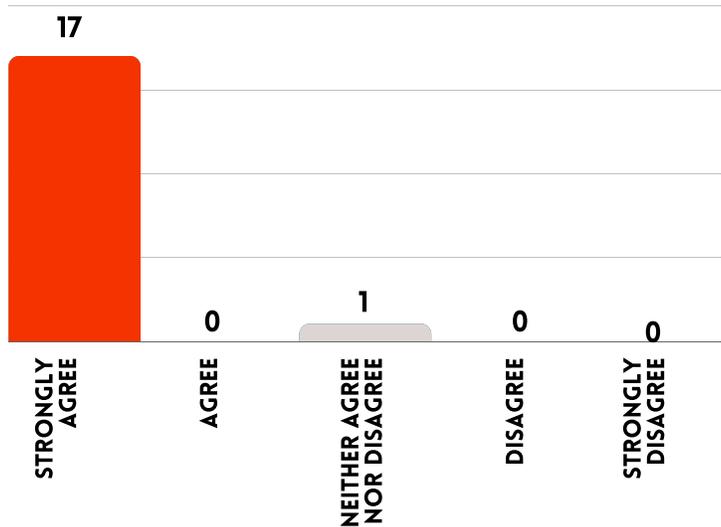
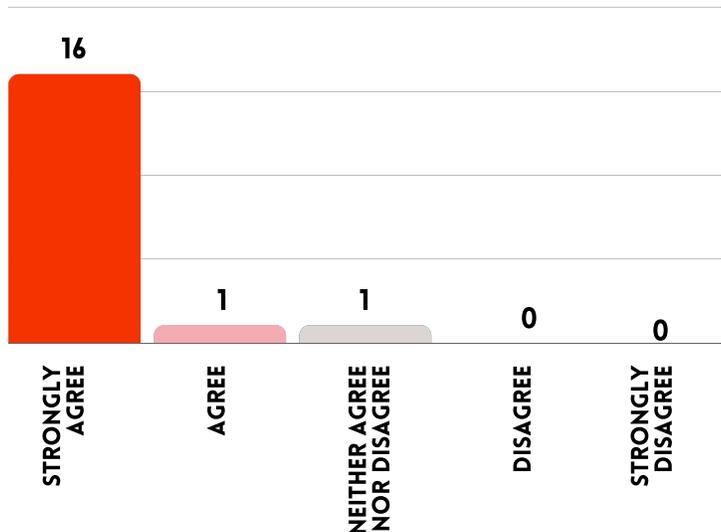


FIGURE 5.

“Whether we agreed or disagreed, my Hearing Officer was always fair and impartial.”



Program, including through the institution of policies which directly support the relationship between judges and Hearing Officers. Furthermore, the pandemic appears to have clarified the need for the Hearing Officers in their function as court support. This section addresses how the Hearing Officer Program has grown.

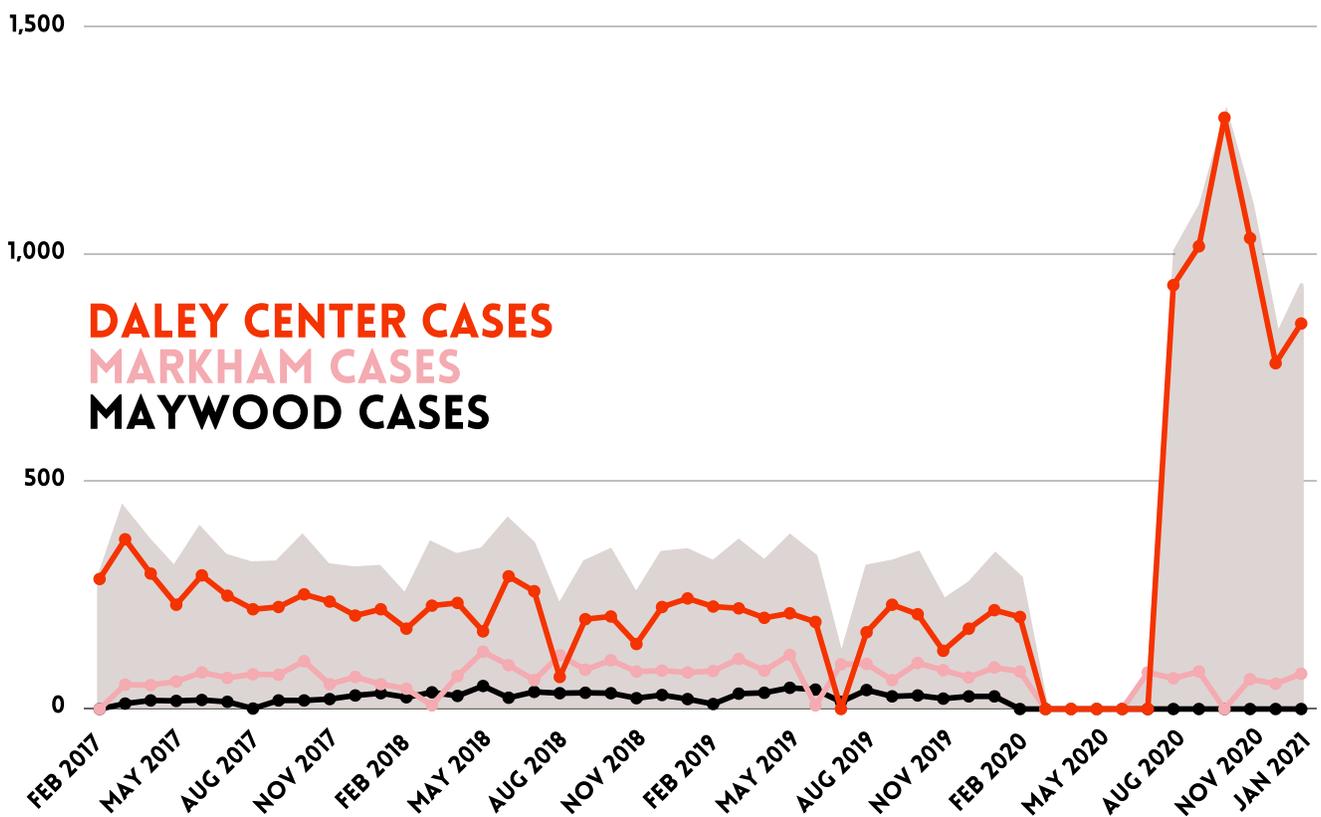
The Domestic Relations Division manually collected four years of data regarding the number of cases heard by Hearing Officers at each of the three current locations. The data from the Maywood and Markham courthouses between January 2017 and January 2021 suggests relative stability in the number of cases heard by Hearing Officers. While there are no numbers from March 2020 through July 2020 due to the COVID-19 pandemic court closures, from August 2020 to January 2021, the number of cases heard by Hearing Officers in the Daley Center substantially increased by up to 400% (see Figure 6).

One of the most astonishing pieces of information from this data is that in just six months (August 2020 through January 2021), the Hearing Officers at the Daley Center heard

42.7% of the total number of Daley Center cases filed between February 2017 through January 2021.[25]

That is, nearly half of four years' worth of cases were heard in six months, during the pandemic, by Hearing Officers. If Hearing Officer utilization was holding at a stable rate, we could expect that any six-month period between January 2017 and January 2021 would represent about 12-15% of the total number of cases. The cases at Markham remained relatively consistent before and during the pandemic; considering the sole Markham HO a baseline, data shows that the six Hearing Officers at the Daley Center are currently hearing approximately 8-to-9 times as many cases as Markham (up from three times as many before the pandemic).

FIGURE 6.
Cases in the Cook County Domestic Relations Hearing Officer Program



25 5,937 cases out of 13,903 total for the Daley Center [full raw data chart in Appendix A].

Although it is not clear because of a lack of data on the overall number of cases that go through the domestic relations courts in Cook County, the most probable explanation for at least some of this substantial increase in the cases heard by Daley Center Hearing Officers is that they are being more fully utilized through IV-D and judge referrals.[26] This finding is borne out in interview data as well: when asked about how their job is different during the pandemic, all Hearing Officers discussed the unique experience of conducting hearings remotely but those assigned to the Daley Center particularly mentioned their enhanced perception of their own utilization. The Daley Center Hearing Officers noted that they were busier than they were before the pandemic. For one Hearing Officer, “busy” was a significant touchstone in describing their job; when asked how their “typical” day works, they immediately said “busy, very busy” and noted a “very significant change” from how their job used to be before they went remote. When asked if they were getting more cases, the answer was “one hundred percent yes.”

The transition to remote proceedings during the pandemic changed some of the fundamental operations of the Hearing Officer Program in the Daley Center, adding opportunities to institutionalize the program. The Domestic Relations Division assigned Hearing Officers to particular judges, which was a benefit to the program and seems to have directly resulted in an increased usage among judges in the Daley Center. The necessary shift in the fundamental structure of court proceedings due to the pandemic has meant a fundamental reorientation to every aspect of those proceedings – not just in making a new format work as an emergency measure, but also in taking the opportunity to use digital tools to make proceedings run better.

Assigning Hearing Officers to judges has allowed for the building of consistent and cohesive working relationships. Hearing Officers have become an institutionalized part of judicial proceedings in the Daley Center as they have been in the suburban Cook County courthouses.

When working regularly with a Hearing Officer, judges know what to expect and they and their staff can more effectively anticipate what to expect from the proceedings. The day-to-day relationships between the judges and Hearing Officers have remained flexible, which means judges have not had to accommodate a new procedure or burdensome oversight structure. When asked how they receive their cases, Hearing Officers universally began their answer by clarifying that it depended on the judge. Some judges automatically assign certain matters to go straight to the Hearing Officer (even while the Early Resolution Program was not running) and many handle the virtual logistics of their calendars in a variety of ways.

Hearing Officers additionally report that they enjoy this aspect of their job—their flexible position allows them to be more effective for the judges. The current system seems to strike the right balance between consistency and reliability, while still allowing Hearing Officers to be flexible and creative.

Although Markham’s numbers have remained relatively stable throughout the four years, interview data supports the idea that the Hearing Officer Program has always enjoyed full support there.

26 Without comparative data on the overall number of cases in the domestic relations courts, it’s premature to fully reject the hypothesis that this increase is due to an overall increase in cases. However, it seems unlikely that there is an attendant 400% increase in overall cases being heard in Cook County domestic relations courts.

While quantitative data shows a massive increase in the utilization of Hearing Officers in the Daley Center, judges at Markham argue the need for program expansion there, as well, suggesting that they are operating at capacity with the Hearing Officer they currently have. When asked how the program could be improved, all Markham judges said something about increasing their capacity (and increasing funding for them overall – one judge recommending paying them more). The number one thing to do to improve the Hearing Officer Program, according to Markham judges is to “have more of them.” They made it incredibly clear that “Markham cannot afford to lose this program” and that they “cannot imagine doing this job without [the Hearing Officer].”

One judge discussed the Hearing Officer Program as a salve against judicial burnout in what they described as a uniquely burdensome and complicated call: “I would leave this assignment without the Hearing Officer,” “I could not do this job without a Hearing Officer,” and ending the program would be a “tremendous disservice” to that calendar.

Though beyond the scope of this evaluation of the current Hearing Officer Program, it is worth noting that the pandemic-era changes do not end with improved judicial relationships. Where other parts of the courts stalled or stopped entirely during the course of the pandemic, the Domestic Relations Division transitioned swiftly and fully. The increase in cases appearing before Hearing Officers speaks to their increased utilization but also the remarkable position of the Division during this time: they have been hearing more cases where other parts of the court system have been hearing far fewer.[27] Furthermore, remote proceedings are going to be a permanent part of the Domestic Relations Division’s future—integrating remote and in-person proceedings as necessary. One of the lessons the Circuit Court of Cook County should learn from the pandemic is that alternative, adaptive, and accessible processes – such as those implemented by the DR Division with Hearing Officers – can potentially work better for both litigants and judges. Innovative and creative reforms should be the model for improved justice in and access to the courts.

²⁷ See e.g., Ballestreros, C. (April 2021). “Cook County Backlog Leaves Hundreds of People in Cook County Jail for More than a Year” for Injustice Watch. Accessible at <https://www.injusticewatch.org/news/2021/cook-county-jail-court-backlog-coronavirus/>.

SUMMARY OF FINDINGS

Hearing Officers help move cases through the Cook County Courts more quickly.

Hearing Officers work better with litigants, providing dynamic and creative procedural justice improvements.

Hearing Officers are increasingly valued in Cook County.

SUMMARY OF RECOMMENDATIONS

Support the current Hearing Officer Program by increasing data collection and continue evaluation.

Expand the program to support community needs for accessible courts.

Replicate the Cook County Hearing Officer Program in other jurisdictions in Illinois and nationally.

Recommendations

As addressed above, the Hearing Officer Program serves an important function in the Cook County Domestic Relations Division and has grown as that purpose becomes more evident. Because of this, Chicago Appleseed Center for Fair Courts recommends that the program be supported as it currently exists, expand in its scope in Cook County, and be considered for replication in other jurisdictions in the state.

RECOMMENDATION 1.

Support the Program: Increase Data Collection and Continue Evaluation.

Our chief recommendation is for the Circuit Court of Cook County to support the Hearing Officer Program. The most essential piece of that support includes understanding how it is running and who it is serving by collecting more quantitative data, conducting ongoing litigant surveys, and engaging in continued, regular (annual) analyses of those findings to review and improve the program.

Presiding Judge Dickler’s office has provided significant, detailed data on the number of cases heard by the Hearing Officers monthly. This is an essential piece of the puzzle, but there are limits to the kinds of conclusions that can be reached from this set of numbers alone. As indicated throughout the report, there are certain types of conclusions that we are unable to make or expound on without more robust sets of data—particularly conclusions regarding how the process and population of the Hearing Officer cases compares to the overall domestic relations processes and populations.

We lack, too, a robust understanding of what happens to the cases counted in the Hearing Officer data, whether they come back for modification or enforcement. The Hearing Officers and judges are clear that there are a wide range of ways for their work to be successful that do not always necessarily include reaching a definitive decision or drafted order.

An effective use of a Hearing Officer can very much include getting a case ready to go back before a judge. However, knowing what proportion of cases are fully resolved by Hearing Officers and the comparative time to completion with using them would go a long way to understanding the exact scope of their intervention.

Additionally, our pilot litigant survey suggests the willingness of litigants to discuss their experiences, particularly when those experiences have been positive. We recommend expanding litigant feedback across the program and disentangling that feedback process from the Hearing Officers themselves. Litigants can provide valuable insight into the experience of working with Hearing Officers. Although a successful meeting with a Hearing Officer may look different to litigants than it does to the courts, the perspective of litigants is the most important factor in a more equitable process (and, potentially, more equitable outcomes overall). Hearing Officers stressed that, when litigants feel heard, they are better able to participate in the process and are more likely to reach a “true agreement.”

In the future, collections of demographic and outcome data, as well as providing short surveys for all litigants using the Hearing Officer Program, should be prioritized. Despite strong evidence of success, there also remains an overarching need to collect, analyze, and report on hard data about the Hearing Officer Program. Much like any other public entity, the Program is subject to the financial constraints of local government and in an environment of limited resources, is best served by demonstrating value with unmistakable data points.

Broadly speaking, the Hearing Officer Program delivers value to the court system by (1) allowing judges to spend needed time on more complex cases and (2) providing self-represented litigants with better opportunities to understand, participate in, and quickly resolve their cases. More simply, it would appear the Hearing Officer Program enables the court system to resolve more cases more quickly with greater litigant satisfaction.

To adequately scope an effort, Chicago Appleseed recommends that the Clerk of the Circuit Court's Office first considers the following themes and questions with regard to establishing a broader data collection and reporting system:

Goals

- Consider a re-evaluation of program goals that define success and identify specific measures that demonstrate whether the goals are met.

Frameworks

- Consider frameworks such as key performance indicators (KPI), measures of effectiveness (MOE), or measures of performance (MOP).

Best Practices

- Consider existing frameworks for process improvement such as the National Center for State Courts High Performance Court Framework,[28] which has domain-specific recommendations.

Existing Metrics

- The Hearing Officer Program currently captures several types of metrics about program utilization, as a result, consider how each metric supports an evaluation of related goals.

Satisfaction

- Through this and other evaluative reports, Chicago Appleseed has demonstrated the utility of prioritizing litigant satisfaction, as a result, consider formalizing measures of satisfaction not only from litigants and their families, but also from judges and others impacted by the program.

Given the current state of the Hearing Officer Program and a sampling of data analyzed in this report, Chicago Appleseed recommends the following data elements to be collected by the Clerk of the Court's Office. Where applicable, consider aggregated counts of cases and related data about case dispositions on a monthly basis.

Total Cases Eligible

- All the cases eligible for the Hearing Officer Program, i.e., those cases managed by the Domestic Relations Division that could be seen by the program and/or go through the Early Resolution Program.

Total Cases Seen

- All of the cases that were actually seen by the Hearing Officer Program.

Information on Self-Representation

- For all eligible Hearing Officer Program cases, status and demographics (to the extent possible) of self-represented litigants.

Lengths of Cases

- For all eligible Hearing Officer Program cases, total time from filing to disposition.

Number of Hearings

- For all eligible Hearing Officer Program cases, number of hearings per case and reasons for continuance.

Contextual Measures

- Contextual measures in relation to operating budget, judges, Hearing Officers, and cases.

RECOMMENDATION 2.

Expand the Program: Support the Community's Need for Accessible Courts.

One thing the existing data certainly supports is that there is increased need for Hearing Officers in Domestic Relations courts, particularly at the Daley Center. Given the obvious benefits of the Hearing Officer Program for both the court system itself and for self-represented litigants, Chicago Appleseed unequivocally supports the continued existence and expansion of the Hearing Officer Program in the Domestic Relations Division of the Circuit Court of Cook County. Hearing Officers are being fully utilized throughout the Cook County Courts where they are currently located. This is especially true since the start of the pandemic, where the Hearing Officers began to become more fully integrated into the DR Division. All non-Hearing Officer interview participants suggested that the program would be improved through its expansion (when asked how to improve the program, the Hearing Officers themselves tended to focus on technical or logistical improvements to increase access for participants).

We heard “have more of them” and “pay them more” reliably from judges with attorneys, suggesting that the courts could expand and better utilize them.

The data supports the conclusion that the courts, post-August 2020, have been filling the call of increased utilization. The court-community education process is not necessarily complete – even as the assigning of Hearing Officers to specific judges and rooms went a long way during the pandemic – and feedback from attorneys suggests it can be helpful for more education or communication, so that both potential litigants and private attorneys know what to expect when they encounter the Hearing Officer Program.

RECOMMENDATION 3.

Replicate the Program: Support Other Jurisdictions in Replicating the Program.

The Hearing Officer Program appears to act as a guardrail for the Cook County Domestic Relations Court in that it supports previously unsupported litigants. This individuality of this process presents tremendous potential for other courts outside of the bounds of the Domestic Relations Division in Cook County. The Hearing Officer Program here supports a definable population (self-represented litigants dealing with child support, parentage, divorce, or other family-related issues) while also alleviating set of problems within the courts (a lack of judicial time prevents some cases from getting the attention needed to be fully heard). There is no reason to assume that jurisdictions outside of Cook County or other divisions of the Cook County Courts would not benefit from implementing Hearing Officer Programs.



Conclusion

In conclusion, the Hearing Officer Program of the Domestic Relations Division of the Cook County Circuit Court improves access to justice by working on an individualized basis with self-represented litigants to make court processes more navigable and comfortable. The program decreases workload burdens for judges and make the process itself smoother for both judges and litigants.

From this evaluation, it appears as though the program is meeting its goals in making the courts more equitable for everyone, particularly self-represented litigants, so that the ability to navigate the family courts and obtain a viable outcome is not tied to a litigant's ability to pay for counsel. Hearing Officers do this work, in part, by supporting essential functions of the courts: they make the work of judges more efficient and effective and reduce case backlogs, allowing for faster resolutions. Furthermore, they can provide more individualized attention to litigants than judges: they do not serve as counsel or offer legal advice, but they are able to make sure that each litigant is fully heard and that their perspective is addressed.

The ability of Hearing Officers to support the court's existing structures should absolutely be emphasized as replication is considered for other jurisdictions. The success of the program in Cook County is clearly tied to judges' understanding of the value of the Hearing Officers; judges continuously emphasized that the Hearing Officers made their jobs easier, facilitated the judges' ability to attend to more complicated legal matters, and took undesirable tasks off their plates. Similarly, Presiding Judge Dickler's full support of the Hearing Officer Program has helped facilitate its success.

Beyond the particularities of the Hearing Officer Program, the Domestic Relations Division stands out as a model of court processes during the pandemic. Where other areas of the Circuit Court stopped or stalled since 2020, the Domestic Relations Division appears to have adapted swiftly to virtual proceedings and, in the case of the Hearing Officer Program, increased its capacity. This speaks both to how the flexibility of the Hearing Officers supports the expansion of services during difficult times but also to the resiliency of "the object is to help people." If people are the focus of the work, changes to procedure that promote access and equity must always be valued.



Appendices

Appendix A.

Cook County Hearing Officer Raw Data

Month	Maywood Cases	Markham Cases	Daley Center Total Cases*	Daley Center IV-D Cases*	Daley Center Referred Cases*	Total Cases**
Feb-17			288	119	169	288
Mar-17	12	54	376	127	249	442
Apr-17	19	53	300	78	222	372
May-17	18	61	231	95	136	310
Jun-17	20	81	296	147	149	397
Jul-17	16	69	251	112	139	336
Aug-17	21	77	221	109	112	319
Sep-17	19	76	226	112	114	321
Oct-17	19	106	254	108	146	379
Nov-17	22	55	238	115	123	315
Dec-17	30	71	207	119	88	308
Jan-18	35	55	221	110	111	311
Feb-18	26	45	178	81	97	249
Mar-18	37	98	229	86	143	364
Apr-18	29	73	235	81	154	337
May-18	51	127	172	94	78	350
Jun-18	25	97	294	133	161	416
Jul-18	38	64	261	106	155	363
Aug-18	35	119	71	6	65	225
Sep-18	36	87	199	76	123	322
Oct-18	35	108	205	97	108	348
Nov-18	24	83	144	48	96	251
Dec-18	31	85	226	90	136	342
Jan-19	22	81	245	111	134	348
Feb-19	11	84	227	79	148	322
Mar-19	34	111	223	93	130	368
Apr-19	36	85	202	97	105	323
May-19	47	120	212	100	112	379
Jun-19	43	98	193	107	86	334
Jul-19	16	99				115
Aug-19	42	100	170	72	98	312
Sep-19	28	64	231	83	148	323
Oct-19	30	102	210	97	113	342
Nov-19	23	86	129	52	77	238
Dec-19	28	70	178	84	94	276
Jan-20	28	92	219	117	102	339
Feb-20		83	204	116	88	287
Mar-20						
Apr-20						
May-20						
Jun-20						
Jul-20		81				81
Aug-20		68	939	744	195	1007
Sep-20		83	1025	750	275	1108
Oct-20			1310	1100	210	1310
Nov-20		66	1043	756	287	1109
Dec-20		56	766	613	153	822
Jan-21		78	854	696	158	932
Total	986	3451	13903	8116	5787	18340

* The Daley Center data includes the overall total number of cases and then broken down into IV-D cases and judicial referrals. The increase in numbers may also be attributable to the hearing officers assisting judge with IV-D cases in more of an administrative role.

** The total cases column represents Markham Cases, Maywood Cases, and the Daley Center total cases and does not double count IV-D cases and judicial referrals.

Appendix B. Self-Represented Litigant Survey

URL

https://docs.google.com/forms/d/e/1FAIpQLSe4-cr3ccK0tDpFzmKRHXgQH_w26ZZz4D7h9Wl6yYb60aZwyyg/viewform?usp=sf_link

PHOTOS*

Survey: Hearing Officer Program

* Required

Survey Part 1

Sliding scale questions. Please read the sliding scale 'key' and answer the question accordingly, from (1) - Strongly Disagree, (3) Neutral to (5) Strongly Agree.

The Hearing Officer helped me resolve my legal matter(s). *

1 Strongly Disagree, 2 Disagree, 3 Neutral, 4 Agree, 5 Strongly Agree

1 2 3 4 5

Strongly Disagree Strongly Agree

The Hearing Officer helped me understand the legal or court process. *

1 Strongly Disagree, 2 Disagree, 3 Neutral, 4 Agree, 5 Strongly Agree

1 2 3 4 5

Strongly Disagree Strongly Agree

Whether we agreed or disagreed, my Hearing Officer listened to me. *

1 Strongly Disagree, 2 Disagree, 3 Neutral, 4 Agree, 5 Strongly Agree

1 2 3 4 5

Strongly Disagree Strongly Agree

Whether we agreed or disagreed, my Hearing Officer was always fair and impartial. *

1 Strongly Disagree, 2 Disagree, 3 Neutral, 4 Agree, 5 Strongly Agree

1 2 3 4 5

Strongly Disagree Strongly Agree

The Hearing Officer gave me time to fix a problem with my documents (Optional - only answer if relevant)

1 Strongly Disagree, 2 Disagree, 3 Neutral, 4 Agree, 5 Strongly Agree

1 2 3 4 5

Strongly Disagree Strongly Agree

Next Page 1 of 3

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Survey: Hearing Officer Program

* Required

Survey Part 2

Open ended. Please share as much as you would like about your Hearing Officer experience through the questions below.

Did the Hearing Officer help in some other way? How? (open-ended)

Your answer

Is there anything else you wish to share about your experience with the Hearing Officer? (open-ended)

Your answer

Back **Submit** Page 3 of 3

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Survey: Hearing Officer Program

* Required

Survey Part 1

Sliding scale questions. Please read the sliding scale 'key' and answer the question accordingly, from (1) - Strongly Disagree, (3) Neutral to (5) Strongly Agree.

The Hearing Officer helped me resolve my legal matter(s). *

1 Strongly Disagree, 2 Disagree, 3 Neutral, 4 Agree, 5 Strongly Agree

1 2 3 4 5

Strongly Disagree Strongly Agree

The Hearing Officer helped me understand the legal or court process. *

1 Strongly Disagree, 2 Disagree, 3 Neutral, 4 Agree, 5 Strongly Agree

1 2 3 4 5

Strongly Disagree Strongly Agree

Whether we agreed or disagreed, my Hearing Officer listened to me. *

1 Strongly Disagree, 2 Disagree, 3 Neutral, 4 Agree, 5 Strongly Agree

1 2 3 4 5

Strongly Disagree Strongly Agree

Whether we agreed or disagreed, my Hearing Officer was always fair and impartial. *

1 Strongly Disagree, 2 Disagree, 3 Neutral, 4 Agree, 5 Strongly Agree

1 2 3 4 5

Strongly Disagree Strongly Agree

The Hearing Officer gave me time to fix a problem with my documents (Optional - only answer if relevant)

1 Strongly Disagree, 2 Disagree, 3 Neutral, 4 Agree, 5 Strongly Agree

1 2 3 4 5

Strongly Disagree Strongly Agree

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* Screenshots of pages 1, 2, and 3 of the self-represented litigant survey created by Chicago Appleeed Center for Fair Courts for the Cook County Domestic Relations Division Hearing Officer Program (August 2021).

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